

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/792,061 Confirmation No. 4209  
Applicant : Scott D'Avanzo  
Filed : March 2, 2004  
Title : GAMING MACHINE AND METHOD OF PLAY  
TC/A.U. : 3711  
Examiner : Eric Thomas  
Docket No. : 087635.000017  
Customer No. : 29747

Mail Stop APPEAL BRIEFS-PATENTS  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner:

In response to the Notification of Non-Compliant Appeal Brief dated January 7, 2010, attached is replacement page 5 of the Appeal Brief correcting the Status of Claims to include a statement of the status of all claims.

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Respectfully submitted,

By: /Rob L. Phillips, Reg. #40305/  
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Date: January 26, 2010

**Status of Claims:**

Claims 1-6 and 26-30 are pending. Claims 7-25 have been canceled. Claims 1, 4, 6, 26 and 29 have been rejected by the Examiner in an Office action dated April 14, 2009 from which the appellant initiates this appeal. Claims 2, 3, 5, 27, 28 and 30 were allowed.

Appellant is appealing the rejection of claims 1, 4, 6, 26 and 29.